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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,615	12/22/1999	MASAO KAWAGUCHI	49375(868)	6371

21874 7590 08/27/2003
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EXAMINER

BUEKER, RICHARD R

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 08/27/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,615

Applicant(s)

KAWAGUCHI, MASAO

Examiner

Richard Bueker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

On page 1, of applicant's specification, next to last line, the word "vertical" should be changed to "horizontal" to correct an apparent inadvertent error.

Claims 1, 3-8 and 13-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 has been amended to recite "a plurality of support members which are provided so as to protrude from the substrate bearing surface of the stage and being arranged thereon". This requires the plurality of support members to be arranged on the substrate bearing surface, which was not disclosed as such in the specification as filed. Applicant's Fig. 2 illustrates the that plurality of support members protrude "from" the substrate bearing surface by protruding through apertures in the substrate bearing surface, but the plurality of support members are not actually arranged "on" the substrate bearing surface. Clarification on this point is respectfully requested.

Claims 1, 3-8 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the word "thereon" in claim 1, line 10, is unclear as discussed above.

Claims 1-8 and 13-17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mears. Mears discloses a wafer holder comprising a stage for holding the wafer, a shaft member for angularly

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displacing the stage that is bearing the substrate to a position where the wafer is held vertically, a plurality of support members are provided so as to protrude from the stage surface for supporting an end of the wafer while the wafer is held vertically, and means for moving the support members. The ion implantation apparatus of Mears is inherently a film forming apparatus, because the dictionary definition of "film" is "an exceedingly thin layer", and Mears apparatus creates a thin implanted surface layer in a treated wafer. The wafer holder of Mears is at least inherently capable of holding a wafer in a coating apparatus, and it is noted that the limitation of "which mechanism is used in a film forming apparatus" is a recitation of intended use that does not limit the claimed substrate holder to use only in the recited coating apparatus.

Applicant has argued that the most recent amendment, in which the plurality of support members are required "to support only one end surface of the substrate" distinguishes over the disclosure of Mears. It is noted, however, that Fig. 5 of Mears, for example, illustrates "plural support members" labeled f10, f11 and f12, for example, that "support only one end surface of the substrate, where said one end surface is the surface which faces downwards when the stage is displaced to the film forming position". By virtue of the "comprising" language used in applicant's claims (see claim 1, line 2, for example), the claims do not exclude the presence of an additional plurality of support members such as those labeled f1 to f9 and f13 to f14 in Mears' Fig. 5.

Regarding the amendments to claims 13, 14, 16 and 17 with respect to the recited "long axis", it is noted again that the this phrase does not limit the recited axis to one particular axis. Recitation of a "long axis" of a support member is not the same

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thing as recitation of a "longitudinal axis" of a support member. A "longitudinal axis" has a specific meaning according to the dictionary definition of "longitudinal", while a "long axis" is not specific because "long" is a relative term as discussed in the previous office action.

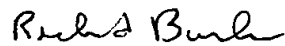
It is also noted that the limitation of "moving means for moving the support members" recited in claims 1 and 17 is written broadly enough to read on Mears' moving means for moving his apparatus along the longitudinal axis A illustrated in Fig. 2, either rotationally as taught by Mears, or longitudinally by sliding along the guide rails illustrated in Mears' Fig. 2. When Mears' rotatable disk 2 of Fig. 2 is moved, either longitudinally or in either of the two rotational modes disclosed by Mears, the plurality of support member will also be moved because they are supported on the disk 2. It is noted that applicant's "moving means for moving the support members" as recited in the present claims fails to specifically require that the support members are moved relative to the substrate bearing surface. This is also true of the moving means for moving recited in claims 2 and 17. It is also noted that applicant's specification also discloses moving means for moving his stage by rotating axle 22, which also moves the plurality of support members, because they are attached to the stage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (703) 308-1895. The examiner can normally be reached on 9 AM - 5:30 PM, Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on (703) 308-1633. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Richard Bueker
Primary Examiner
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